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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/500,897	02/09/2000	Shunpei Yamazaki	SEL 161	3195

7590

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EXAMINER

MISLEH, JUSTIN P

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/500,897

Applicant(s)

YAMAZAKI ET AL.

Examiner

Justin P Misleh

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to Claims 1 – 16 have been considered but are moot in view of the new ground(s) of rejection.
2. The Examiner accepts the amendments to the drawings filed on 26 April 2004.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1 – 4 and 9 – 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahara et al. (US 6 628 355 B1) in view of Togino.

For **Claims 1 and 9**, Takahara et al. disclose, as shown in figures 218 and 219 and as stated in columns 30 (lines 59 – 67), 31 (lines 1 – 7), 58 (lines 27 – 33), 100 (lines 36 – 50), 122 (lines 29 – 67), 123 (lines 1 – 8), 128 (lines 66 and 67), 129 (lines 1 – 4, 18, and 19), and 130 (lines 21 – 27), a view finder (figures 18 and 19) comprising: an LCD display panel (22); and an eyepiece (2185) for viewing an image of an object displayed on said LCD display panel (22) and projecting it upon the eye of a user. Furthermore, Takahara et al. disclose, as stated in the above citations, that an organic EL panel may replace the LCD display panel (22) and that a Fresnel lens, to magnify the image of the object displayed on the display panel, may replace the eyepiece

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(2185). However, Takahara et al. do not disclose a second optical element having a surface on which the image is reflected.

On the other hand, Togino also discloses a view finder comprising an LCD display panel. More specifically, Togino discloses, as shown in figures 3 – 22 and as stated in column 5 (lines 17 – 35), a view finder comprising an LCD display panel (4) and an optical element (5) having a surface on which the image is reflected. As stated in column 1 (lines 43 – 51), at the time the invention was made, one with ordinary skill in the art would have been motivated to include an optical element (5) having a surface on which the image is reflected, as taught by Togino, in the view finder, disclosed by Takahara et al., as a means to provide a compact digital camera with a compact view finder that is capable of magnifying an image during or after capture with high precision. Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have to include an optical element (5) having a surface on which the image is reflected, as taught by Togino, in the view finder, disclosed by Takahara et al.

5. As for **Claims 2 and 10**, it is inherent to organic EL panels to be comprised of plural thin film transistors that are formed over a substrate.

6. As for **Claims 3 and 11**, it is inherent to organic EL panels to be comprised of a pixel portion and a driver circuit that are formed over a substrate.

7. As for **Claims 4 and 12**, Takahara et al. disclose, as stated in column 123 (lines 32 – 34), very broadly that the view finder is for a video camera (not shown). Since an LCD display panel and an organic EL display panel are display panels that accept digital image data, it is inherent to Takahara et al. that the view finder is for a video camera that transforms analog object image

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information in digital object image data, and hence the view finder is incorporated into a camera selected from the group consisting of a video camera and a digital camera.

8. **Claims 5 – 8 and 13 – 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahara et al. (US 6 628 355 B1), herein referred to as T1, in view of Takahara et al. (US 5 517 278), herein referred to as T2, in further view of Togino.

9. For **Claims 5 and 13**, T1 disclose, as shown in figures 218 and 219 and as stated in columns 30 (lines 59 – 67), 31 (lines 1 – 7), 58 (lines 27 – 33), 100 (lines 36 – 50), 122 (lines 29 – 67), 123 (lines 1 – 8), 128 (lines 66 and 67), 129 (lines 1 – 4, 18, and 19), and 130 (lines 21 – 27), a view finder (figures 18 and 19) comprising: an LCD display panel (22); and an eyepiece (2185) for viewing an image of an object displayed on said LCD display panel (22) and projecting it upon the eye of a user. Furthermore, T1 disclose, as stated in the above citations, that an organic EL panel may replace the LCD display panel (22) and that a Fresnel lens, to magnify the image of the object displayed on the display panel, may replace the eyepiece (2185).

However, T1 do not disclose a plurality of optical elements.

On the other hand, T2 disclose, as shown in figures 1 and 2 and as stated in column 5 (lines 9 and 10), a view finder comprised of a plurality of optical elements (25 and 26). As stated in columns 2 (lines 18 – 20) and 6 (lines 35 – 37), at the time the invention was made, one with ordinary skill in the art would have been motivated to include a plurality of optical elements (25 and 26), as taught by T2, in the view finder, of T1, as a means to magnify the object displayed by the display panel so as to be view on an enlarged scale. Therefore, at the time the

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invention was made, it would have been obvious to one with ordinary skill in the art to include a plurality of optical elements, as taught by T2, in the view finder, of T1.

However, T1 in view of T2, do not disclose a second optical element having a surface on which the image is reflected

On the other hand, Togino also discloses a view finder comprising an LCD display panel. More specifically, Togino discloses, as shown in figures 3 – 22 and as stated in column 5 (lines 17 – 35), a view finder comprising an LCD display panel (4) and an optical element (5) having a surface on which the image is reflected. As stated in column 1 (lines 43 – 51), at the time the invention was made, one with ordinary skill in the art would have been motivated to include an optical element (5) having a surface on which the image is reflected, as taught by Togino, in the view finder, taught by T1 in view of T2, as a means to provide a compact digital camera with a compact view finder that is capable of magnifying an image during or after capture with high precision. Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have to include an optical element (5) having a surface on which the image is reflected, as taught by Togino, in the view finder, taught by T1 in view of T2.

10. As for **Claims 6 and 14**, it is inherent to organic EL panels to be comprised of plural thin film transistors that are formed over a substrate.

11. As for **Claims 7 and 15**, it is inherent to organic EL panels to be comprised of a pixel portion and a driver circuit that are formed over a substrate.

12. As for **Claims 8 and 16**, T1 disclose, as stated in column 123 (lines 32 – 34), very broadly that the view finder is for a video camera (not shown). Since an LCD display panel and an organic EL display panel are display panels that accept digital image data, it is inherent to T1

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that the view finder is for a video camera that transforms analog object image information in digital object image data, and hence the view finder is incorporated into a camera selected from the group consisting of a video camera and a digital camera.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure. The Examiner has previously cited a variety of prior art of which, including, *inter alia*, a view finder comprised of an EL display panel and a plurality of optical elements. The newly cited prior art includes an electronic view finder with a plurality of optical elements and a reflecting optical element. The Applicant is urged to consider all of the prior art made of record.

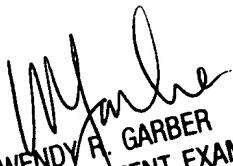
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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 703.305.8090. The Examiner can normally be reached on Monday through Thursday from 7:30 AM to 5:30 PM and on alternating Fridays from 7:30 AM to 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Wendy R Garber can be reached on 703.305.4929. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM  
July 7, 2004

  
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SUPERVISORY PATENT EXAMINER  
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